

Vijay Kumar Sharma@ Vijay Sharma Son of Late Shiv Nandan Singh
Resident of Village Oiyoura, P.O.- Bir, P.S.- Dhanarua, District- Patna,
(Bihar).

Versus

- Respondent/s

For the Petitioner/s : Mr.Indu Shekhar Dwivedi, Adv.
For the Respondent/s : Mr.Standing Counsel (25)

1. That, this writ application by the petitioner (who is going to be retire from the post of S.I.) citizen of India, for issuance of writ of mandamus or any other appropriate writ(s) / order (s)/ direction (s) to command and direct the respondents / Authorities to pay the due amount withhold one annual increment vide memo No.4697 dated 20.03.2012 order passed by Respondent No.3 and order under Memo No.38 dated 28.01.2014 passed by the Respondent No.2 and due amount of suspension period of the petitioner with interest forthwith in the light of Judgment dated 30.11.2017 passed by this Hon'ble Court and / or to allow other suitable relief in facts and circumstances of the case.



3. Counsel for the petitioner further submits that in the order dated 30.11.2017 passed by this Hon'ble Court, specific direction was given to the S.S.P., Patna that he would be at liberty to examine the matter afresh after giving opportunity to the petitioner in accordance with law.

4. Counsel further submits that the S.S.P., Ptna has not opted to pass order and therefore, he is entitled to get the said due amount of suspension period.

5. Counsel for the State on the other hand, submits that there was no specific direction to make payment to the petitioner of due amount of suspension period with interest rather opportunity was granted to the S.S.P., Patna to examine the matter afresh and after granting opportunity to the petitioner in accordance with law.

6. In the light of the submissions made, this Court particularly considering Rule 11 of the Bihar Government Servant (Classification, Control and Appeal) Rules, 2005, which states that the Disciplinary Authority at the time of taking decision on the final order, shall decide on the payment of amount of suspension period. Here in the present case, S.S.P., Patna has not proceeded according to the petitioner and has not taken decision in compliance of Hon'ble Court's order



mentioned above. The operative part of the order is stated as follows:-

“In view of the admitted position that the disagreement has been recorded without affording any opportunity to the petitioner. The impugned order dated 20.03.2012 as contained in Memo No.4697 issued by the SSP, Patna is quashed. The SSP, Patna would however, be at liberty to examine the matter afresh after giving opportunity to the petitioner in accordance with law.”

7. In this view of the matter, the present writ petition is hereby disposed off directing the petitioner to file a fresh representation raising all his grievances before the S.S.P., Patna (respondent No.3) within 30 days along with this order and the respondent No.3 shall pass a reasoned and speaking order within 90 days after receiving the same.

8. It is also directed to respondent No.3 to take decision on the point of eligibility and due amount of suspension period also.

9. With the aforesaid directions and observations, the present writ application stands disposed off.

(Dr. Anshuman, J)

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